

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:07CR3001
)	
V.)	
)	
TERRY L. BALDWIN,)	ORDER
)	
Defendant.)	
_____)	

Mr. Baldwin has filed a petition for a writ of mandamus against me for failing to address his § 2255 motion promptly. (Filing No. 168.) He claims that it has been over 120 days since he filed his § 2255 motion. To the extent the motion is addressed to me, it will be denied. However, I will direct the Clerk to send a copy of the petition and this order to the Clerk of the United States Court of Appeals for the Eighth Circuit.

For the benefit of the Court of Appeals, several observations are in order. First, my record in promptly addressing § 2255 motions is a good one as reflected in the record of the Court of Appeals. Second, in response to a question by Mr. Baldwin on January 28, 2015, I entered an order telling Mr. Baldwin that I would attend to his matter in due course. (Filing No. 164.) Third, the time between the filing of his petition in late December 2014 to the present is not unduly long. Fourth, this is at least Mr. Baldwin's second § 2255 motion. I denied the first. (Filing No. 130.) Fifth, the docket sheet reflects that Mr. Baldwin is a "frequent filer" and his numerous filings have generally been nonmeritorious. And sixth, during the time that Mr. Baldwin complains about, I underwent serious thoracic surgery including a partial lung resection. Subsequently, I was also hospitalized for renal insufficiency.

IT IS ORDERED that:

(1) To the extent that the petition for a writ of mandamus (Filing No. 168) is addressed to me, it is denied. Mr. Baldwin's pending § 2255 motion will be addressed in due course.

(2) The Clerk shall provide the Clerk of the United States Court of Appeals for the Eighth Circuit with a copy of Mr. Baldwin's petition for a writ of mandamus and this order.

DATED this 21st day of April, 2015.

BY THE COURT:

Richard G. Kopf
Senior United States District Judge